

Serial No.: 10/734,281
Atty. Docket No.: P68425US1

REMARKS

The Office Action mailed July 19, 2007, has been carefully reviewed and, by this Amendment, claims 2, 3, 11 and 12 have been canceled, and claims 1, 4 and 8 have been amended, and claims 18 and 19 have been added. Claims 1, 4-10 and 13-19 are pending in the application. Claims 15-17 have been withdrawn. Claims 1, 8 and 15 are independent.

The Examiner rejected claims 1-3, 5 and 8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,665,990 to Cody et al. ("Cody") in view of U.S. Patent No. 5,289,626 to Mochida et al. ("Mochida"). Also under 35 U.S.C. 103(a), the Examiner rejected claim 4 as being unpatentable over Cody in view of Mochida and further in view of U.S. Patent No. 4,060,994 to Chitis, rejected claims 6 and 7 as being unpatentable over Cody in view of Mochida and further in view of U.S. Patent No. 5,586,417 to Henderson et al. ("Henderson"), rejected claim 9 as being unpatentable over Cody in view of Mochida and further in view of Henderson, and rejected claims 10-14 as being unpatentable over Cody in view of Mochida and Henderson and further in view of Chitis.

As set forth in claims 1 and 8 as amended herein, the present invention is directed to a pile anchor foundation for supporting a heavy load from a ground surface. The pile anchor

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foundation includes a concrete foundation cap having a bottom surface engaged with the ground surface and an upper surface supporting a heavy load connected rigidly thereto. A plurality of elongated pile anchors depend from the cap, with each of the pile anchors being constructed of cementitious material extending into underlying soil a substantial vertical depth below the foundation cap and with a compressible area at an upper end thereof between the top of the cementitious material and the bottom of the cap. Each of the pile anchors includes a tension member anchored thereto that extends upwardly through the compressible area and the cap, with a lower end of each tension member being anchored in the pile anchor. The upper end of each tension member is threaded and receives a nut which engages an upper surface of the cap. The length of each tension member is movable in relation to the pile anchor and the cap to enable stretching of the tension member when the nut on the upper end thereof is tightened downwardly against the cap. Tightening of the nut pulls the cap downwardly, motion made possible by the compressible area above the cementitious material forming the pile anchor, so that the cap compresses the underlying soil forming the ground surface. With the cap bearing on the underlying compressed soil, the resulting structure is able to withstand overturning and uplifting forces exerted on the cap by

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the heavy load connected to the cap. This is not shown or suggested by the prior art.

Mochida discloses a pile anchor having anchor plates 6-1 and 6-2 which the Examiner, in rejecting claims 2 and 3, characterized as representing a short length of *compressible material* 6. While Applicant does not agree that the plates are compressible material, having these plates Mochida clearly does not disclose a *compressible area* at the upper end of the pile anchor as set forth in claim 1.

Chitis discloses a foundation pile having a bore area 2 on either side of the pile. As can be seen in Figure 1 of Chitis, there is *no compressible area* between the cap portion 1 and any portion of the underlying foundation which includes the reinforcing bars 3, tubes 4, sheath 5 and anchoring bar 6. Accordingly, there is no means by which the cap 1 can be pulled downwardly since it is in abutment with its underlying foundation.

For at least the foregoing reasons, claims 1 and 8 are patentable over the prior art. Favorable reconsideration and allowance thereof is requested. Claims 4-7, 9, 10, 13, 14, 18 and 19 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

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With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for examination on the merits. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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Date: January 22, 2008
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